

EXHIBIT A

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

MARY ANN LILLY,
Plaintiff

v.



Civil Action Number: 18-C-170B

LOWE'S HOME CENTERS, LLC
Defendant.

AMENDED COMPLAINT

INTRODUCTION

Comes now the Plaintiff, by and through counsel, Robert P. Dunlap, II, and states that Plaintiff hereby sues and brings claims for negligence, willful, wonton and reckless conduct, and complete disregard for the safety of its invited customers and employees by the defendant, Lowe's Home Centers, LLC (hereinafter Lowe's). This civil action is a result of injuries received by plaintiff, when, on or about the 24th day of March, 2016, unknown to her, was exposed to a foreseeable high risk of harm due to the fact that a type of heavy duty steel platform cart used to transport merchandise throughout Lowe's, was allowed to remain unattended in the walkways of the business, whereby all invited patrons were required to walk in extremely close proximity to said steel platform cart. Specifically, the steel platform cart that caused the Plaintiff's fall was stationed across an area where wallpaper books were on display to be examined by its customers. The Plaintiff was not warned of this hazardous condition, and the Defendant did not take any preventive measures to remove or advise of this hazard, resulting in the Plaintiff's fall and subsequent injuries.


RALEIGH COUNTY
RECEIVED AND FILED
AUG 23 2018
PAUL H FLANAGAN
CIRCUIT CLERK


JURISDICTION AND VENUE

1. That all events relating hereto occurred in Raleigh County, West Virginia.

Therefore, jurisdiction and venue are proper in the Circuit Court of Raleigh County, West Virginia.

THE PARTIES

2. The plaintiff, at the time of the incident that is the basis of this complaint, was a resident of Raleigh County, West Virginia.

3. The defendant is a limited liability company conducting business in West Virginia, licensed and currently in good standing through the West Virginia Secretary of State.

FACTS

4. That on or about the 24th day of March 2016, the Plaintiff was an invited person onto the premises of Defendant's, Lowe's Home Centers, LLC place of business, located at 1210 North Eisenhower Drive, Cranberry Creek Shopping Center, Beckley, Raleigh County, West Virginia.

5. That at the time of the incident that makes the basis of this complaint, a heavy-duty steel platform cart that is used to transport merchandise throughout Lowe's had been allowed to stand unattended and unidentified in the aisles within Lowe's where patrons were directed to walk while shopping.

COUNT I

NEGLIGENCE/GROSS NEGLIGENCE

6. Plaintiff hereby reasserts and incorporates by reference the allegations / facts contained in this Complaint as set forth herein.

7. Defendant had a duty to exercise a degree of care to ensure that it provides a safe, hazard free environment for its patrons.

8. Defendant breached that duty by allowing heavy duty steel platform carts used to transport merchandise throughout Lowe's to stand unattended and unidentified in the isle ways of the defendant's place of business.

COUNT II

NEGLIGENT MISREPRESENTATION

9. Plaintiff hereby reasserts and incorporates by reference the allegations/facts contained in this Complaint as set forth herein.

10. Defendant, owing a duty of care to Plaintiff, negligently misrepresented and concealed the hazardous condition of the isle ways of its place of business.

11. It is believed that the Defendant had knowledge of the hazardous condition of the isle ways in its place of business.

12. Plaintiffs reliance on Defendant's duty to provide a hazard free environment was reasonable and justified, as the Plaintiff was an invited individual onto the premises of the defendant, expecting and anticipating the premises to be free from foreseeable hazards such as existed at the time of this incident.

COUNT III

CONSUMER PROTECTION

13. Plaintiff hereby reasserts and incorporates by reference the allegations/facts contained in this Complaint as set forth herein.

14. Plaintiff was an invited person onto the premises of the Defendant in order to purchase certain items that the Defendant has on display for consumer personal purposes.

15. The defendant engaged in unfair, false, misleading and/or deceptive acts or practices in holding themselves to be a safe and hazard free environment in which Plaintiff could conduct her business.

16. Plaintiff suffered ascertainable losses as a result of Defendants unfair, false, misleading and/or deceptive acts or practices.

DAMAGES

17. Plaintiff has suffered actual damages as a result of Defendants unfair, false, misleading and/or deceptive acts or practices, which include, but are not limited to injuries to her leg, rotator cuff, arm, knee, and ankle.

18. That as a direct and proximate result of the actions of the defendant, Plaintiff has incurred past, present and future mental pain and suffering, inconvenience, loss of service and companionship, loss of consortium, loss of the enjoyment of life and emotional distress, and will continue to do so in the future

RELIEF DEMANDED

19. Plaintiffs demands compensatory damages for past, present and future medical expenses, and all other such loss of services in a fair and just amount to be determined by the jury at trial.

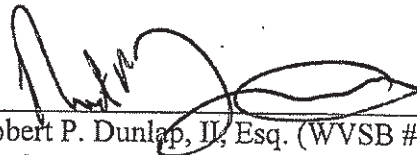
20. Plaintiff demands general damages for past, present and future pain and suffering, mental anguish, permanent injury, inconvenience, loss of society, service and companionship, loss of the enjoyment of life and emotional distress in a fair and just amount to be determined by the jury at trial.

21. Plaintiff demands punitive damages in a fair and just amount to be determined by the jury at trial.

22. Plaintiff demands pre-judgment and post-judgment interest.
23. Plaintiff demands costs and attorney fees expended in this action.
24. Plaintiff demands any other further general or specific relief which the Court or the jury deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

MARY ANN LILLY
By Counsel,



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v.

Civil Action Number: 18-C-170B
Judge Robert A. Burnside

LOWE'S HOME CENTERS, LLC
Defendant.

CERTIFICATE OF SERVICE

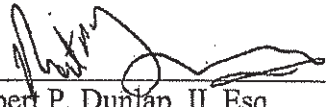
I, Robert P. Dunlap. Hereby certify that on the 23th day of August, 2018, a true copy of the foregoing, **Amended Complaint** was served, via facsimile and U.S. mail to counsel of record addressed as follows:

Andrew B. Cooke
Jason A. Proctor
Flaherty Sensabaugh Bonasso, PLLC
200 Capital Street
P.O. Box 3843
Charleston, West Virginia 25338

Lowe's Home Center, LLC
Corporation Service Company
209 West Washington Street
Charleston, WV 25302

Process of Service through West Virginia Secretary of State

RALEIGH COUNTY
RECEIVED AND FILED
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